

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
) Confirmation No.: 4526
 Andrew PERKINS *et al.*)
) Examiner: Huynh, Louis K.
 Serial No. 10/087,897)
) Group Art Unit: 3721
 Filed: March 1, 2002)
) Atty Dkt No.: 006759.00016
 For: Machine And Method For Inflating)
 And Sealing Air-Filled Packing)
 Cushions)

**SECOND REQUEST FOR RECONSIDERATION OF APPLICATION
FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Decision Regarding Patent Term Adjustment mailed June 19, 2006 (“Decision”). Applicants previously paid the fee for the Application for Patent Term Adjustment on February 6, 2006 and it is believed that no additional fee is due. However, the Director is authorized to debit our Deposit Account 19-0733 for any fee required.

The Decision dismissed Applicants' request for reinstating 301 days of Patent Term Adjustment based on the filing of an information disclosure statement on July 19, 2005 (hereinafter referred to as "the information disclosure statement" so that the language of 37 C.F.R. § 1.704(d) can be quoted verbatim in the certification below). According to the Decision, Applicants' certification in their April 13, 2006 petition failed to contain a statement that the information was first cited in "any" communication from a foreign patent office in a counterpart application and that the communication was not received by an individual in 1.56(c) more than 30 days prior to the filing of the IDS. Applicants note that, although the original July 19, 2005 certification used the word "a" instead of "any," the March 31, 2006 decision did not object to the certification on this basis. In any event, the following certification uses the exact language of § 1.704(d) and, as indicated above, the phrase "the information disclosure statement" refers to the July 19, 2005 information disclosure statement filed in this application.

The undersigned hereby certifies under 37 C.F.R. § 1.704(d) that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement.

Applicants submit that the subject application is entitled to 530 days of patent term adjustment, which is calculated as follows.

The number of days from the filing of the Notice of Appeal until the mail date of the Board decision reversing the Examiner, which totals 533 days;

less the number of days from the date which is three months from the mail date of the June 23, 2003 Office Action until the date of receipt of Applicants' response to the Office Action, which totals 3 days.

In view of the foregoing, Applicants respectfully submit the application is entitled to 530 days of patent term adjustment, and respectfully request a notice to this effect and correction of the patent term.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: June 22, 2006

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